

AM

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

PHILLIP NELSON BURNS, MIRJANA
PAVKOVICH, Administrator of the Estate
of Rade Pavkovich, Deceased, and
WARREN ELMER HALFPAP,

Plaintiffs,

Index No.: 04/114728

-against-

GRUPO MEXICO S.A. de C.A., a Mexican Corporation, SOUTHERN PERU HOLDING CORPORATION, a Delaware Corporation, SPHC II, Incorporated, a Delaware Corporation, GRUPO MINERO MEXICO INTERNACIONAL, S.A. DE C.V., a Mexican Corporation, MEXICANA de COBRE, S.A. de C.V., a Mexican Corporation, CONTROLADORA MINERA MEXICO, S.A. de C.V., a Mexican Corporation, JP MORGAN CHASE & COMPANY D/K/a CHASE MANHATTAN BANK & TRUST COMPANY, a Delaware Corporation, AMERICAS MINING CORPORATION, a Delaware Corporation, ERNST & YOUNG LLP, ERNST & YOUNG CORPORATE FINANCE, LLC, GERMAN LARREA MOTA-VELASCO, Officer and Director of ASARCO Inc., OSCAR GONZALEZ ROCHA, Officer and Director of ASARCO Inc., CREDIT SUISSE FIRST BOSTON, INC., CREDIT SUISSE FIRST BOSTON, LLC and CREDIT SUISSE FIRST BOSTON (USA), INC.,

NOTICE OF BANKRUPTCY

FILED

OCT 27 2005

NEW YORK
COUNTY CLERK'S OFFICE

Defendants.

1. ASARCO LLC (the "Debtor"), successor by February 2005 merger to ASARCO, Inc., hereby provides notice that it filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code (the "Bankruptcy Code") on August 9, 2005 (the

“Petition Date”), commencing a bankruptcy case pending in the United States Bankruptcy Court for the Southern District of Texas, Corpus Christi Division, and docketed as Case No. 05-21207 (jointly administered with Case Nos. 05-20521, 05-20522, 05-20523, 05-20524, and 05-20525 filed on April 9, 2005 by Lac d’Amiante Du Quebec Ltee, CAPCO Pipe Company, Inc., Cement Asbestos Products Company, Lake Asbestos of Quebec, Ltd., and LAQ Canada, Ltd., collectively with ASARCO LLC referred to as the “Debtors”)). A copy of the coversheet of Debtor’s bankruptcy petition is attached hereto as Exhibit A and is incorporated by reference into this notice.

2. Under § 362 of the Bankruptcy Code, the filing of the Debtors’ bankruptcy petitions operates as a stay against, among other things, the commencement or continuation of judicial, administrative or other actions or proceedings against Debtors that were or could have been commenced before the filing of the complaint or any act to obtain possession of or exercise control over property of the estate of the Debtors.

3. Under § 541 of the Bankruptcy Code, estate property is defined to include “all legal or equitable interests of the debtor in property as of the commencement of the case.” 11 U.S.C. § 541(a). Prepetition causes of action that would benefit a debtor are considered property of the estate under § 541, even if those claims could have otherwise been asserted by creditors. If a cause of action belongs to a debtor’s estate, then the debtor-in-possession or the trustee has exclusive standing to assert the claim.

4. The claims asserted in this lawsuit belong to the Debtor’s bankruptcy estate and can only be asserted by the debtor-in-possession or a party that has been granted standing to assert those claims on behalf of the bankruptcy estate. Accordingly, the above-captioned lawsuit is stayed under 11 U.S.C. § 362 and all proceedings in this matter should cease.

CERTIFICATE OF SERVICE

I certify that I served the foregoing by causing a copy thereof to be mailed, postage prepaid to:

WEITZ & LUXENBERG, P.C.
180 Maiden Lane
New York, New York 10038

BARON & BUDD
Alan B. Rich, Esq. The Centrum, Suite 1100
3102 Oak Lawn Avenue
Dallas, Texas 75219


Thomas R. Trowbridge, III

Form B1 (Official Form 1) - (Rev. 12/03)

UNITED STATES BANKRUPTCY COURT Southern District of Texas, Corpus Christi Div.		Voluntary Petition															
Name of Debtor (if individual, enter Last, First, Middle): ASARCO LLC	Name of Joint Debtor (Spouse) (Last, First, Middle):																
All Other Names used by the Debtor in the last 6 years (include married, maiden, and trade names):	All Other Names used by the Joint Debtor in the last 6 years (include married, maiden, and trade names):																
Last four digits of Soc. Sec./Complete EIN or other Tax I.D. No. (if more than one, state all): 81-0666284	Last four digits of Soc. Sec./Complete EIN or other Tax I.D. No. (if more than one, state all):																
Street Address of Debtor (No. & Street, City, State & Zip Code): 1150 North Seventh Avenue Tucson, AZ 85705	Street Address of Joint Debtor (No. & Street, City, State & Zip Code):																
County of Residence or of the Principal Place of Business: Pima County, Arizona	County of Residence or of the Principal Place of Business:																
Mailing Address of Debtor (if different from street address):	Mailing Address of Joint Debtor (if different from street address):																
Location of Principal Assets of Business Debtor (if different from street address above): Arizona and Texas																	
Information Regarding the Debtor (Check the Applicable Boxes)																	
Venue (Check any applicable box) Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District. <input checked="" type="checkbox"/> There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District.																	
Type of Debtor (Check all boxes that apply) <input type="checkbox"/> Individual(s) <input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Other _____ <input type="checkbox"/> Railroad <input type="checkbox"/> Stockbroker <input type="checkbox"/> Commodity Broker <input type="checkbox"/> Clearing Bank	Chapter or Section of Bankruptcy Code Under Which the Petition is Filed (Check one box) <input type="checkbox"/> Chapter 7 <input checked="" type="checkbox"/> Chapter 11 <input type="checkbox"/> Chapter 13 <input type="checkbox"/> Chapter 9 <input type="checkbox"/> Chapter 12 <input type="checkbox"/> Sec. 304 - Case ancillary to foreign proceeding																
Nature of Debts (Check one box) <input type="checkbox"/> Consumer/Non-Business <input checked="" type="checkbox"/> Business	Filing Fee (Check one box) <input checked="" type="checkbox"/> Full Filing Fee attached <input type="checkbox"/> Filing Fee to be paid in installments (Applicable to individuals only). Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1008(b). See Official Form No. 3.																
Chapter 11 Small Business (Check all boxes that apply) <input type="checkbox"/> Debtor is a small business as defined in 11 U.S.C. § 101 <input type="checkbox"/> Debtor is and elects to be considered a small business under 11 U.S.C. § 1121(e) (Optional)		THIS SPACE FOR COURT USE ONLY															
Statistical/Administrative Information (Estimates only) <input checked="" type="checkbox"/> Debtor estimates that funds will be available for distribution to unsecured creditors. <input type="checkbox"/> Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.																	
Estimated Number of Creditors <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">1-15</td> <td style="text-align: center;">16-49</td> <td style="text-align: center;">50-99</td> <td style="text-align: center;">100-199</td> <td style="text-align: center;">200-999</td> <td style="text-align: center;">1000-over</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> </table>			1-15	16-49	50-99	100-199	200-999	1000-over	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
1-15	16-49		50-99	100-199	200-999	1000-over											
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Estimated Assets <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">\$0- 50,000</td> <td style="text-align: center;">\$50,001- \$100,000</td> <td style="text-align: center;">\$100,001- \$500,000</td> <td style="text-align: center;">\$500,001- \$1 million</td> <td style="text-align: center;">\$1,000,001- \$10 million</td> <td style="text-align: center;">\$10,000,001- \$50 million</td> <td style="text-align: center;">\$50,000,001- \$100 million</td> <td style="text-align: center;">More than \$100 million</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> </table>		\$0- 50,000	\$50,001- \$100,000	\$100,001- \$500,000	\$500,001- \$1 million	\$1,000,001- \$10 million	\$10,000,001- \$50 million	\$50,000,001- \$100 million	More than \$100 million	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Form B1 (Official Form 1) Page 2- (Rev. 12/03)

Voluntary Petition

(This page must be completed and filed in every case)

Name of Debtor(s)

ASARCO LLC

FORM B1, Page 2

Location

Where Filed:

Case Number:

Date Filed:

Name of Debtor:

Case Number:

Date Filed:

SEE EXHIBIT A ATTACHED HERETO

District:

Relationship:

Judge:

Signature(s) of Debtor(s) (Individual/Joint)

I declare under penalty of perjury that the information provided in this petition is true and correct. If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7 I am aware that I may proceed under chapter 7, 11, 12 or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7.

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

☒

Signature of Debtor

☒

Signature of Joint Debtor

Telephone Number (if not represented by attorney)

Date

Signature of Attorney

☒

Signature of Attorney for Debtor(s)

Jack L. Kinzie/James R. Prince

Printed Name of Attorney for Debtor(s)

Baker Botts L.L.P.

Firm Name

2001 Ross Avenue

Address

Dallas, Texas 75201

(214) 953-6500

Telephone Number

August 9, 2005

Date

Signature of Debtor (Corporation/Partnership)

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

☒

Signature of Authorized Individual

Daniel Tellechea Salido

Printed Name of Authorized Individual

Chief Executive Officer and President

Title of Authorized Individual

August 9, 2005

Date

Exhibit "A"

(To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11)

☒ Exhibit A is attached and made a part of this petition.

Exhibit "B"

(To be completed if debtor is an individual whose debts are primarily consumer debts)

I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each such chapter.

☒

Signature of Attorney for Debtor(s)

Date

Signature of Non-Attorney Petition Preparer

I certify that I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; that I prepared this document for compensation, and that I have provided the debtor with a copy of this document.

Printed or Typed Name of Bankruptcy Petition Preparer

Social Security Number (Required by 11 U.S.C. § 110(c))

Address

Names and Social Security numbers of all other individuals who prepared or assisted in preparing this document

If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.

☒

Signature of Bankruptcy Petition Preparer

Date

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both. 11 U.S.C. § 110; 18 U.S.C. § 156.

Exhibit A
Pending Bankruptcy Cases Filed by any Partner or Affiliate of the Debtor

Name of Debtor: Lac d'Amiante du Québec Ltée
Case Number: 05-20521
Date Filed: 4/11/2005
District: Southern District of Texas, Corpus Christi Division
Relationship: Affiliate
Judge: The Honorable Richard Schmidt

Name of Debtor: CAPCO Pipe Company, Inc.
Case Number: 05-20522
Date Filed: 4/11/2005
District: Southern District of Texas, Corpus Christi Division
Relationship: Affiliate
Judge: The Honorable Richard Schmidt

Name of Debtor: Cement Asbestos Products Co.
Case Number: 05-20523
Date Filed: 4/11/2005
District: Southern District of Texas, Corpus Christi Division
Relationship: Affiliate
Judge: The Honorable Richard Schmidt

Name of Debtor: Lake Asbestos of Quebec, Ltd.
Case Number: 05-20524
Date Filed: 4/11/2005
District: Southern District of Texas, Corpus Christi Division
Relationship: Affiliate
Judge: The Honorable Richard Schmidt

Name of Debtor: LAQ Canada, Ltd.
Case Number: 05-20525
Date Filed: 4/11/2005
District: Southern District of Texas, Corpus Christi Division
Judge: The Honorable Richard Schmidt